

Serial No. 09/613,038

Attorney Docket No. 22338-00602



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

On re Patent Application of Antonio GRILLO-LOPEZ et al.	Examiner: Maher Haddad
Confirmation No. 9334	Group Art Unit: 1644
Serial No. 09/613,038	
Filed: July 10, 2000	Attorney Docket No.: 22338-00602
For: BLOCKING IMMUNE RESPONSE TO A GRAFT (Amended)	

**REQUEST TO CORRECT INVENTORSHIP**  
**UNDER 37 C.F.R. §1.48(a)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request the addition of Mark D. Peskovitz as an inventor in the above referenced application.

The correct inventors of the of the amended application are Antonio J. Grillo-Lopez, Lori A. Kunkel and Mark D. Peskovitz.

The following items accompany this request:

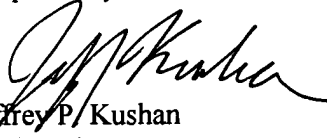
1. A Statement under 37 C.F.R. § 1.48(a)(2) by Mark D. Peskovitz;
2. A Declaration under 37 C.F.R. § 1.63 and Power of Attorney;
3. Written consent of the assignees Genentech, Inc. and Biogen Idec, Inc. under 37 C.F.R. § 1.48(a)(5) to add an inventor, and  
01/26/2006 100001 00000139 181260 09613038  
03 FC:1464 130.00 DA
4. The processing fee set forth under 37 C.F.R. § 1.17(i).

The prior executed declaration under 37 C.F.R. § 1.63 properly listed inventors Antonio J. Grillo-Lopez, Lori A. Kunkel and Timothy A. Stewart. Through error and without any deceptive intent on the part of the listed and non-listed inventors, Mark D. Pescovitz was not named as an inventor in the prior executed declaration. Nevertheless, amendments to the application made shortly after execution of the prior declaration, and prior to substantive examination of the then-pending claims, would have necessitated deletion of Mark D. Pescovitz from the inventorship had he been named in the first instance. The present amendments necessitate including Mark D. Pescovitz as a listed inventor.

The applicants requested deletion of inventor Timothy A. Stewart from the list of inventors on June 13, 2002 because his invention was no longer being claimed in the application as amended. Although Timothy A. Stewart is listed as an inventor in the declaration under 37 C.F.R. § 1.63 accompanying this request, his invention is not claimed in the application as amended. The prior request for deletion of Timothy A. Stewart from the present application as amended is therefore maintained.

The Commissioner is hereby authorized to charge Deposit Account No. 18-1260 \$130.00 to cover the processing fees for this request as set forth in 37 C.F.R. § 1.17(i), and to charge the deposit account for any further fees in regard to this patent application. Fee Transmittal (form PTO/SB/17i) is attached to this submission in duplicate.

Respectfully submitted,



Jeffrey P. Kushan  
Registration No. 43,401  
Attorney for Applicants

SIDLEY AUSTIN BROWN & WOOD LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Phone: 202-736-8079  
Fax: 202-736-8711

Date: 1/23/06

Serial No. 09/613,038

Attorney Docket No. 22338-00602

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

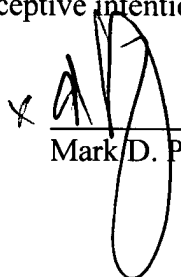
In re Patent Application of Antonio GRILLO-LOPEZ et al.	Examiner: Maher Haddad
Confirmation No.  Serial No. 09/613,038	Group Art Unit: 1644
Filed: July 10, 2000	Attorney Docket No.: 22338-00602
For: BLOCKING IMMUNE RESPONSE TO A GRAFT (Amended)	

**STATEMENT TO ADD AN INVENTOR**  
**UNDER 37 C.F.R. §1.48(a)(2)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Mark D. Pescovitz, residing at 1313 Regal Drive, Carmel, IN 46032, in error was not named as an inventor for the above-identified application. The error arose without deceptive intention on my part.

x   
\_\_\_\_\_  
Mark D. Pescovitz

x 11/4/25  
\_\_\_\_\_  
Date



### DECLARATION AND POWER OF ATTORNEY

is a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### BLOCKING IMMUNE RESPONSE TO A GRAFT (As Amended)

The specification of which (check one)

☐ is attached hereto.

☒ was filed on July 10, 2000 and has been designated the application number 09/613,038.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### PRIOR FOREIGN APPLICATION(S)

			<u>Priority Claim</u>	
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States Provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATIONS

60/144,405	07/16/1999
(application serial number)	(Month/Day/Year filed)
_____	_____
(application serial number)	(Month/Day/Year filed)

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status – patented, pending, abandoned
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the practitioners associated with

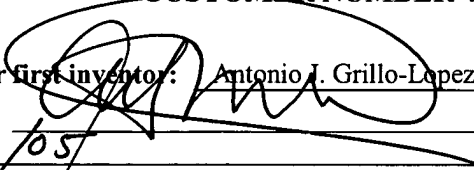
**CUSTOMER NUMBER 47555**

as my attorneys and agents to prosecute the captioned patent application, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I request the U.S. Patent and Trademark Office to direct all correspondence regarding this application to the address associated with

**CUSTOMER NUMBER 47555**

Full name of sole or first inventor: Antonio J. Grillo-Lopez

Inventor's signature: 

Date: 11/12/05

Residence: P.O. Box 3797  
Rancho Santa Fe, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

Full name of second joint inventor, if any: Lori A. Kunkel

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Oakland, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

Full name of third joint inventor, if any: Timothy A. Stewart

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: San Francisco, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of fourth joint inventor, if any:** Mark D. Pescovitz

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Carmel, Indiana

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA



## DECLARATION AND POWER OF ATTORNEY

As a duly named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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			<u>Priority Claim</u>	
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(Month/Day/Year filed)

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_____	_____	_____
_____	_____	_____

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**CUSTOMER NUMBER 47555**

**Full name of sole or first inventor:** Antonio J. Grillo-Lopez

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Rancho Santa Fe, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of second joint inventor, if any:** Lori A. Kunkel

Inventor's signature: \_\_\_\_\_

Date: 11-07-03

Residence: Oakland, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of third joint inventor, if any:** Timothy A. Stewart

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: San Francisco, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of fourth joint inventor, if any:** Mark D. Pescovitz

**Inventor's signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Residence:** Carmel, Indiana

**Citizenship:** USA

**Post Office Address:** One DNA Way  
South San Francisco, CA 94080  
USA



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**Full name of sole or first inventor:** Antonio J. Grillo-Lopez

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Rancho Santa Fe, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of second joint inventor, if any:** Lori A. Kunkel

Inventor's signature: \_\_\_\_\_


Date: \_\_\_\_\_

Residence: Oakland, California

Citizenship: USA


Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of third joint inventor, if any:** Timothy A. Stewart

Inventor's signature:  \_\_\_\_\_

Date: Oct 21 2005

Residence: San Francisco, California

Citizenship: USA New Zealand 

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of fourth joint inventor, if any:** Mark D. Pescovitz

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Carmel, Indiana

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**DECLARATION AND POWER OF ATTORNEY**

a below named inventor, I hereby declare that:

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**PRIOR PROVISIONAL APPLICATIONS**

<u>60/144,405</u> (application serial number)	<u>07/16/1999</u> (Month/Day/Year filed)
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Application Serial No.	Filing Date	Status – patented, pending, abandoned
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**CUSTOMER NUMBER 47555**

**Full name of sole or first inventor:** Antonio J. Grillo-Lopez

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Rancho Santa Fe, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of second joint inventor, if any:** Lori A. Kunkel

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Oakland, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

**Full name of third joint inventor, if any:** Timothy A. Stewart

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: San Francisco, California

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA

Application Serial No. 09/613,038

Attorney Docket No. 22338-602

**Full name of fourth joint inventor, if any:** Mark D. Pescovitz

Inventor's signature: X

Date: 11/4/95

Residence: Carmel, Indiana

Citizenship: USA

Post Office Address: One DNA Way  
South San Francisco, CA 94080  
USA



Serial No. 09/613,038

Attorney Docket No. 22338-00602

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of Antonio GRILLO-LOPEZ et al.	Examiner: Maher Haddad
Confirmation No.  Serial No. 09/613,038	Group Art Unit: 1644
Filed: July 10, 2000	Attorney Docket No.: 22338-00602
For: BLOCKING IMMUNE RESPONSE TO A GRAFT (Amended)	

**CONSENT OF ASSIGNEE TO ADDITION OF INVENTOR**  
**UNDER 37 C.F.R. § 1.48(a)(5)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Genentech, Inc. and Biogen Idec, Inc. are the assignees of the entire right, title, and interest to the above-identified application. The assignment from the inventor(s) to Genentech, Inc. was recorded in the United States Patent and Trademark Office on October 10, 2000, at Reel 011185, Frame 0115.

The assignment from the inventor(s) to Idec Pharmaceuticals Corporation was recorded in the United States Patent and Trademark Office on October 10, 2000, at Reel 011185, Frame 0101. Idec Pharmaceuticals Corporation became Biogen Idec, Inc. through a formal name change on November 12, 2003.

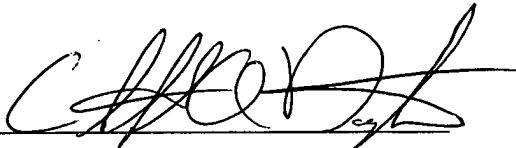
Genentech, Inc. and Biogen Idec, Inc., as owners by assignment of the above-identified application, recognize that Mark D. Pescovitz was not named as an inventor by error without any deceptive intent. As such, Genentech, Inc. and Biogen Idec, Inc. hereby consent to the addition of Mark D. Pescovitz as an inventor of the above-identified application as amended.

The undersigned, whose titles are supplied below, are authorized to act on behalf of the assignees.

Respectfully submitted,

By: Sean Johnston *Wm*  
Name: Sean A. Johnston  
Date: \_\_\_\_\_  
Title: Vice President - Intellectual Property  
for GENENTECH, INC.

Respectfully submitted,

By:   
Name: Christopher A. Taylor  
Date: Dec. 15, 2005  
Title: Assoc. GC, FP  
for BIOGEN IDEC, INC.